

Message Text

CONFIDENTIAL

PAGE 01 SANTO 02343 072139Z

13

ACTION ARA-20

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03

NSAE-00 NSC-07 PA-04 RSC-01 PRS-01 SP-03 SS-20

USIA-15 AID-20 DRC-01 /116 W
----- 075450

R 072100Z JUN 74

FM AMEMBASSY SANTO DOMINGO
TO SECSTATE WASHDC 0655

C O N F I D E N T I A L SANTO DOMINGO 2343

E.O. 11652: GDS

TAGS: PFOR

SUBJECT: OPPOSITION BID TO ANNUL MAY 16 ELECTIONS FALTERS

REF: SD -2159

1. ON JUN 6, THE CENTRAL ELECTORAL BOARD (JCE) DECLARED THAT THE SANTIAGO ACCORD'S REQUEST THAT THE MAY 16 ELECTIONS BE ANNULLED (REFTEL) WAS INADMISSIBLE (IRRECIBIBLE). ITS DECISION WAS REPORTEDLY BASED ON THE CONTENTS OF CLAUSES 18 AND 157 OF ARTICLE 2 OF THE ELECTORAL LAW. THESE PROVISIONS REPORTEDLY PREVENT THE JCE FROM ACTING AS A TRIBUNAL OF THE FIRST INSTANCE. AT THE LOCAL LEVEL, 28 OUT OF 29 MUNICIPAL ELECTORAL BOARDS HAVE THUS FAR REFUSED THE SANTIAGO ACCORD'S ANNULMENT REQUESTS WITH ONLY THE MUNICIPAL ELECTORAL BOARD IN COTUI RULING IN FAVOR OF ANNULING THE ELECTIONS IN THAT CITY. THERE ARE A TOTAL OF 78 MUNICIPALITIES IN THE COUNTRY.

2. ALSO ON JUNE 6, THE DOMINICAN SUPREME COURT FORMALLY RULED THAT IT WAS INCOMPETENT TO ACT ON THE SANTIAGO ACCORD PARTIES' MAY 28 LEGAL CHALLENGE (IMPUGNACION) TO THE VALIDITY OF THE MAY 16 ELECTIONS. AS A BASIS FOR ITS DECISION, THE COURT CITED ARTICLE 92 OF THE CONSTITUTION WHICH SPECIFICALLY GRANTS THE CENTRAL ELECTORAL BOARD MAXIMUM AUTHORITY ON ELECTORAL QUESTIONS.

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 SANTO 02343 072139Z

3. COMMENT. NEWS OF THE JCE'S AND SUPREME COURT'S ACTIONS

CAME AS NO SURPRISE TO MOST OBSERVERS WHO DISCERNED SCANT
POSSIBILITY THAT THE MAY 16 ELECTIONS WOULD BE ANNULLED AS A
RESULT OF THE SANTIAGO ACCORD'S LEGAL CHALLENGE. THE ACCORD IS
THUS RAPIDLY EXHAUSTING THE LEGAL MEANS WHICH THEORETICALLY
WOULD ENABLE IT TO NULLIFY THE ELECTIONS. THE DECISIONS OF
THE JCE AND THE SUPREME COURT BOTH COMING ON THE SAME DAY AND
BOTH NEGATIVE TO THE ACCORD'S CASE CONSTITUTE A LEGAL SETBACK TO
THE ACCORD'S LEADERSHIP. NEVERTHELESS, IN AN ATTEMPT
TO KEEP THEIR CAUSE BEFORE THE PUBLIC, THEY ARE APPARENTLY DETERMINED
TO CONTINUE THE LEGAL BATTLE, HOWEVER HOPELESS IT MAY BE.
HURWITCH

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: ELECTION LAW, SUPREME COURT, LITIGATION, ELECTIONS, ELECTION CANCELLATION, ELECTION FRAUD
Control Number: n/a
Copy: SINGLE
Draft Date: 07 JUN 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: smithrj
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974SANTO02343
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D740147-0088
From: SANTO DOMINGO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740664/aaaacdhv.tel
Line Count: 72
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION ARA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: SD -2159
Review Action: RELEASED, APPROVED
Review Authority: smithrj
Review Comment: n/a
Review Content Flags:
Review Date: 18 SEP 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <18 SEP 2002 by kelleyw0>; APPROVED <19 FEB 2003 by smithrj>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: OPPOSITION BID TO ANNUL MAY 16 ELECTIONS FALTERS
TAGS: PFOR, PINT, DR, CENTRAL ELECTORAL BOARD
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005